

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RUSSELL MARTINEZ,

Plaintiff,

vs.

No. 1:14-cv-00534 KG/WPL

JOSEPH SALAZAR, in his individual capacity,  
GREG ESPARZA, in his individual capacity,  
THE ESPANOLA DEPARTMENT OF PUBLIC  
SAFETY, LEO MONTOYA, THE CITY OF  
ESPANOLA, MARVIN ARMIJO, in his official  
capacity, ANTHONY ARMIJO, in his official  
capacity, JAMES CULIN, in his individual capacity,  
MANUEL VALDEZ, in his individual capacity,  
GUY JORDAN, in his individual capacity, THE  
BOARD OF COUNTY COMMISSIONERS OF  
RIO ARRIBA COUNTY, THE RIO ARRIBA  
COUNTY SHERIFF'S OFFICE, THOMAS  
RODELLA, in his individual and official capacities,  
LARRY DEYAPP, in his individual and official  
capacities, UNKNOWN NUMBER OF JOHN DOES,  
employees of the Rio Arriba County Adult Detention  
Facility, in their individual capacities, and FERNANDO  
BAYARDO, M.D.,

Defendants.

**UNOPPOSED MOTION TO AMEND COUNTY**  
**DEFENDANTS' ANSWER TO COMPLAINT**

COME NOW Defendants, Marvin Armijo, Anthony Armijo, James Culin, Manuel Valdez, Guy Jordan, the Board of County Commissioners of Rio Arriba County, the Rio Arriba County Sheriff's Office, Thomas Rodella and Lawrence DeYapp ("County Defendants"), by and through their counsel of record, Yenson, Allen & Wosick, P.C. (Robert W. Becker, appearing), and move the Court to amend their answer to the Complaint. The motion is unopposed. As grounds for their motion, County Defendants state as follows:

1. County Defendants served and filed their Answer to the Complaint on June 13, 2014. Doc. 4. At the time of service and filing of the Answer, County Defendants did not have relevant 911 and dispatch recordings that were referenced in Plaintiff's Complaint.

2. As a consequence, County Defendants interposed insufficient knowledge or information to form a belief as to the truth of certain allegations in the Complaint. Doc. 4.

3. County Defendants have now secured the relevant 911 and dispatch recordings and thus move to amend their Answer to the Complaint to conform with the information contained on the recordings.

4. County Defendants' proposed amended answer to the Complaint is attached as Exhibit 1. The proposed amended paragraphs are in boldface type.

WHEREFORE, County Defendants respectfully request that the Court grant leave to amend their answer to allow County Defendants to affirmatively admit or deny certain allegations in the Complaint based on information that they have obtained subsequent to the filing of their original answer.

YENSON, ALLEN & WOSICK, P.C.

*Electronically filed*

By: /s/ **Robert W. Becker**

Robert W. Becker

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I HEREBY CERTIFY that on the 19<sup>th</sup> day of December, 2014, I filed the foregoing electronically through the CM/ECF System, which caused the following parties or counsel to be served by electronic means:

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